

Notice of Allowability

Application No.

10/015,950

Examiner

Kambiz Abdi

Applicant(s)

STEFIK ET AL.

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 June 2003.
2. ☒ The allowed claim(s) is/are 1,4,8,10,12,15,18,21 and 23.
3. ☒ The drawings filed on 17 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action. Prior office action dated 15 October 2002 is incorporated in this office action by reference.

- Claims 2-3, 5-7, 9, 11, 13-14, 16-17, 19-20, and 22 are canceled.
- Claims 1, 4, 8, 10, 12, 15, 18, 21 and 23 have been allowed.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with attorney Carlos R. Villamar on 31 August 2004.

The examiner under agreement by the attorney representing the applicant has amended claims 1, 12, and 18.

The claims in the application has been amended as follow:

1. (Currently amended) A method for creating a composite digital work having usage rights, said method comprising:

a) electronically creating a digital content portion of a composite digital work including a plurality of content parts; and

b) electronically creating a description structure for said composite digital work, said description structure comprising a plurality of description blocks including usage rights associated with at least a corresponding at least one of said content parts, said usage rights specifying a manner of use for the corresponding one of said content parts, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized user;

c) interpreting said usage rights with a device including a repository to determine if access to the digital content can be granted; and

d) storing said composite digital work in a repository,

wherein said step (a) comprises the steps of:

a1) electronically creating a first content part of said composite digital work;

a2) electronically creating a second content part of said composite digital work; and

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a3) combining said first content part and said second content part to form said content portion, said step (b) comprises:

b1) electronically creating a first description block including a first set of usage rights associated with said first content part;

b2) electronically creating a second description block including a second set of usage rights associated with said second content part; and

b3) electronically creating a third description block including a third set of usage rights associated with the combination of said first content part and said second content part,

said step (b) comprises linking said first description block, said second description block and said third description block in a manner corresponding to the organization of said composite digital work,

said step (d) comprises the steps of storing said description structure in a first storage device and storing said digital content portion in a second storage device,

said step of creating the third description block comprises specifying the third set of usage rights and storing the third set of usage rights in a control information part of said third description block, and

said third set of usage rights include a usage right indicating that no subsequent description blocks for specifying usage rights may be added to the description structure.

2-3. (Cancelled)

CI 2/ 4. (Currently Amended) The method as recited in claim 1, wherein said steps (a2) and (b2) comprise obtaining an existing digital work having a description block associated therewith as said second content part and said second description block.

L 5-7. (Cancelled)

3/ 8. (Currently amended) The method as recited in claim 1, wherein each of said first description block, said second description block and said third description block comprise a pointer to a corresponding content part stored in said second storage device and a control information part storing usage rights for said corresponding part of said content portion and wherein said step of creating a first description block comprises specifying the first set of usage rights and storing the first set of usage rights in said control information part of said first description block.

L 9. (Cancelled)

4/ 10. (Currently amended) The method as recited in claim 1, wherein said step of creating said second content part comprises extracting said second content part from an existing digital work.

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11. (Cancelled)

5 12. (Currently amended) A method for assigning usage rights to a composite digital having a digital content portion that includes a plurality of content parts that each correspond to an individual digital work, said method comprising:

- a) electronically creating a description structure for said composite digital work, said description structure comprising a plurality of description blocks that each correspond to a content part of the composite digital work;
- b) storing usage rights associated with a corresponding at least one of said content parts in the description blocks, said usage rights specifying a manner of use for the corresponding one of said content parts, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized user; and
- c) interpreting said usage rights with a device including a repository to determine if access to the digital content can be granted,

wherein the composite digital work includes a first content part and a second content part and wherein said step (a) comprises the steps of:

a1) electronically creating a first description block including a first set of usage rights associated with said first content part of said composite digital work;

a2) electronically creating a second description block including a second set of usage rights associated with said second content part of said composite digital work; and

a3) electronically creating a third description block including a third set of usage rights associated with a combination of said first content part and said second content part,

said first description block, said second description block and said third description block are linked in a manner corresponding to the organization of the composite digital work,

said step of creating a third description block comprises specifying the third set of usage rights and storing the third set of usage rights in a control information part of said third description block,

said third set of usage rights include a usage right indicating that no subsequent description blocks for specifying usage rights may be added to the description structure,

said composite digital work is stored in a repository,

said description structure is stored in a first storage device, and

said digital content portion is stored in a second storage device.

13-14. (Cancelled)

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6/15. (Currently amended) The method as recited in claim 12, wherein each of said first description block, said second description block and said third description block is comprised of a pointer to a corresponding one of said content parts and comprise a control information part storing usage rights for said corresponding part of said content portion and wherein said step of creating a first description block for said first content part is further comprised of the step of specifying a the first set of usage rights and storing the first set of usage rights in said control information part of said first description block.

16-17. (Cancelled)

18. (Currently amended) A system for controlling use of a composite digital work having usage rights, said system comprising:

a digital content portion including a plurality of content parts configured to be interpreted by a rendering device; and

a description structure for said composite digital work, said description structure comprising a plurality of description blocks including usage rights associated with at least a corresponding at least one of said content parts, said usage rights specifying a manner of use for the corresponding one of said content parts, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized user;

a device including a repository for interpreting said usage rights to determine if access to the digital content can be granted,

wherein the said digital content portion comprises a first content part of said composite digital work and a second content part of said composite digital work,

said description structure comprises a first description block including a first set of usage rights associated with said first content part, a second description block including a second set of usage rights associated with said second content part, and a third description block including a third set of usage rights associated with said first content part and said second content part in combination,

said first description block, said second description block and said third description block are linked in a manner corresponding to the organization of said composite digital work,

said third description block comprises the third set of usage rights stored in a control information part of said third description block,

said third set of usage rights include a usage right indicating that no subsequent description blocks for specifying usage rights may be added to the description structure,

said composite digital work is stored in a repository,

said description structure is stored in a first storage device, and

said digital content portion is stored in a second storage device.

19-20. (Cancelled)

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21. (Currently amended) The system as recited in claim 18, wherein said second content part comprises an existing digital work having a description block associated therewith.

22. (Cancelled)

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23. (Currently amended) The system as recited in claim 18, wherein each of said first description block, said second description block and said third description block comprise a pointer to a corresponding content part and a control information part storing usage rights for said corresponding part of said content portion.

Allowable Subject Matter

1. Claims 1-23 are allowed over the prior art of record.
2. The following is an examiner's statement of reason for allowance:

The closest prior art of record is U.S. Patent No. 5,260,999 to Robert M. Wyman. Wyman provides a method and system to control usage policy of a digital product based on licensed terms, conditions, and authorization. Wyman is directed towards distribution of digital products and licensing the same either in full or in part. Wyman also discloses how a rights management system and method can add terms and condition to a licensed digital software, content, or data. But clearly Wyman points to a method that usage rights are based on a go or no go type of licensing. On the other hand, applicants claimed invention is directed towards creating a composite digital works that have attached usage rights.

The usage right is not based on solely on a Boolean operation of Wyman but also depends on;

"b1) electronically creating a first description block including a first set of usage rights associated with said first content part;

b2) electronically creating a second description block including a second set of usage rights associated with said second content part; and

b3) electronically creating a third description block including a third set of usage rights associated with the combination of said first content part and said second content part,

said step (b) comprises linking said first description block, said second description block and said third description block in a manner corresponding to the organization of said composite digital work,

said step (d) comprises the steps of storing said description structure in a first storage device and storing said digital content portion in a second storage device,

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said step of creating the third description block comprises specifying the third set of usage rights and storing the third set of usage rights in a control information part of said third description block, and said third set of usage rights include a usage right indicating that no subsequent description blocks for specifying usage rights may be added to the description structure" as been claimed.

The closest foreign prior art of record is European Patent No. GB-2236604 A to John R Corbin, and the NPL cited by the applicant titled "Digital Rights Management Technology" by Weber, R. published in October 1995, which they relate to the general state of the art.

In regards to claims 1, 12 and 18, the closes prior art of record when taken either individually or in combination with other prior art of record fails to tech or suggest the step of "said usage rights specifying a manner of use for the corresponding one of said content parts, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized user". Digital use is clearly based on the attributes used based on the "a description structure for said composite digital work, said description structure comprising a plurality of description blocks including usage rights associated with at least a corresponding at least one of said content parts".

Claims 2-11, 13-17, and 19-23 are dependent upon claims 1, 12, and 18, thus they have all the limitations of claim 1, 12, and 18, therefore, they are allowable for that same reason.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202**

**Kambiz Abdi
Examiner
October 13, 2004**

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